IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELALTE JURISDICTION

APPEAL FROM ORDER NO. 45 OF 2006
WITH
CIVIL APPLICATION NO. 44 OF 2006.

Rajnikant K. Navghare .. Applicant.
V/s.
Maharashtra Housing and Area
Development Authority MHADA & Ors..Respondents.

ALONG WITH

APPEAL FROM ORDER NO. 46 OF 2006
WITH
CIVIL APPLICATION NO. 45 OF 2006/

Shri Dattaram B, Bamugude .. Applicant
V/s
Maharashtra Housing and Area
Development Authority MHADA 7 ORS. Respondents.

ALONG WITH

APPEAL FROM ORDER NO. 47 OF 2006
WITH
CIVIL APPLICATION NO. 46 OF 2006.

Shri Deepak L. Bhosale ..Applicant
V/s
Maharashtra Housing and Area
Development Authority MHADA & Ors. Respondents.

Mr. V.V. Pai for the appellants.
Mr. A.R. Patil, A.G.P. for the respondents.

CORAM : A. M. KHANWILKAR, J.
DATE : 16TH FEBRUARY, 2006.

P.C.

. Heard the learned Counsel for the parties. All

these appeals are being disposed of by common order. In so far as merits of the points raised in these appeals, I see no reason to depart from the conclusion reached by the trial Court. Even so, in view of one of the grievance made across the bar by the Counsel for the appellants, suggestion is made to the MHADA through their Counsel to consider whether it was possible for MHADA to accommodate the present appellants in the premises either at Sion or at Mahim, where the outgoings will be minimum to the extent of Rs. 350/- per month, instead of alternate transit accommodation offered to the appellants at Bindisar Nagar, Goregaon, where the appellants will be required to pay monthly outgoings at about Rs. 1500/-. The Counsel for the appellants stated across the bar that there are premises also at Mahim, which bear the minimum outgoings to the extent of Rs. 350/- per month only. However, the Counsel for the MHADA, on instructions of the Deputy Engineer Mr. A.D. Gosavi, who is personally present in the Court who in turn conveys the instructions of Mr. Madhav Patil, Deputy Chief Officer (T/C), that there are tenaments at Sion, which can be made available to the present appellants, which bear the monthly outgoings at Rs. 200/- towards rent and Rs. 150/- towards service

charges.The said tenaments are available at Pratiksha Nagar, Sion, described as "Baithi Chawl". The appellants, who are present in the Court, through their Counsel undertake to vacate the premisses in their respective occupation within one week from the date of communication by MHADA regarding the allotment of transit accommodation at Sion on the aforesaid address. Accordingly, this arrangement is accepted by MHADA. It is stated that the necessary intimation will be issued to the appellants within two weeks by MHADA from today. That assurance is accepted.

2. Accordingly, these appeals are disposed of on the above assurance given by MHADA, as well as appellants who are present in the Court. It is made clear that the issue as to whether the appellants have already taken possession of the premises at Goregaon will not be pressed against the appellants in view of the above arrangement agreed upon by the parties. It is further made clear that this arrangement will not be treated as precedent, because 71 other occupants in the same complex have already vacated the premises and accepted alternate transit accommodation at Goregaon. It is further made clear that in the event the

appellants fail to vacate the present premises in their occupation within one week from the date of communication of the allotment of premises at Sion, it will be open to MHADA to take possession of the disputed premises by taking assistance from the local police, if required, to ensure that the appellants vacate the premises not later than the 10th March, 2006. This date is mentioned on the assumption that intimation regarding the allotment of alternate transit accommodation is served upon the appellants on or before 2nd of March 2006, by MHADA.

. Appeals and applications are disposed off on the abvoe terms.

[A. M. KHANWILKAR, J.]